

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/21/12**

John M. Hennessy,

Plaintiff,

-v-

Eli S. Jacobs,

Defendant.

12 Civ. 00044 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

It is ORDERED that that the conference scheduled for February 22, 2012, is hereby adjourned until March 2, 2012, at 4:00 PM in Courtroom 23B.

Title 28, Section 1332(a)(2), as amended in 2011, states that “the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State.” Federal Courts Jurisdiction and Venue Clarification Act of 2011, Pub. L. 112-63 § 101(2), 125 Stat. 758.

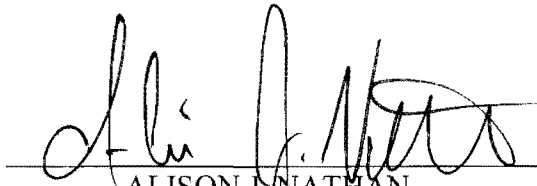
Paragraph Six of the Notice of Removal states that “[w]ith respect to the citizenship of plaintiff Hennessy, though the Hennessy Affidavit states that Hennessy is ‘residing [in] Tuxedo Park, New York,’ Hennessy resides in the Bahamas, has a Bahamian passport, has a Bahamian driver’s license, and is a domiciliary of the Bahamas. Hennessy is therefore a ‘citizen or subject of a foreign state’ under 28 U.S.C. §1332.”

It is therefore FURTHER ORDERED that by February 24, 2012, Plaintiff shall inform the Court whether he is a “citizen[] or subject[] of a foreign state who [is] lawfully admitted for permanent residence in the United States and [is] domiciled in the same state” as Defendant.

IT IS FURTHER ORDERED that on or before February 28, 2012, Defendant shall submit a letter to comply with Rule 4.C of this Court’s local rules, specifically addressing whether subject matter jurisdiction is appropriate in this case. Defendant’s response, if any, shall be due by March 1, 2012.

SO ORDERED.

Dated: February 21, 2012  
New York, New York



ALISON J. NATHAN  
United States District Judge